

AN ORDINANCE**BY COUNCILMEMBER MARY NORWOOD****AN ORDINANCE TO AMEND ARTICLE XXIV ENTITLED VENDING ON PRIVATE PROPERTY; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta is aware that in 2005, there was community concern over the number of vending locations, appearance of vending equipment, and length of time vending was occurring in certain communities at private property vending locations; and

WHEREAS, in response to this concern, in 2005 the City of Atlanta created a Private Property Vending Task Force which recommended the creation of Short-term Merchandise and Athletic and Entertainment Venue vending designations to replace the existing Private Property Vending designation; and

WHEREAS, under these recommendations instead of one type of private property vending, there would be two different types of private property vending, Short-term Merchandise vending and Athletic and Entertainment Venue vending; and

WHEREAS, the Private Property Vending Task Force made its recommendations with the intention to create standards that distinguish the daily vending in the parking lots of permanent businesses from the temporary vending which occurred mostly at athletic and entertainment venues, while also creating standards for private property vending, other than that at athletic and entertainment venues which would lessen the impact of such vending on the neighborhoods in which that type of vending has occurred; and

WHEREAS, in accordance with the recommendations of the Private Property Vending Task Force, it is the desire of the City of Atlanta to reduce the length of time vending can take place and to limit the products sold at a given private property vending location, with the exception of Athletic and Entertainment Vending locations; and

WHEREAS, in accordance with the recommendations of the Private Property Vending Task Force, it is the desire of the City of Atlanta to promulgate distance requirements between vendors and permanent businesses engaged in selling the same or similar merchandise as a permanent business, with the exception of Athletic and Entertainment Vendors; and

WHEREAS, in accordance with the recommendations of the Private Property Vending Task Force, it is the desire of the City of Atlanta to insure sufficient parking exists at private property vending sites to accommodate both the parking requirements of the private property vendor and those of the permanent business; and

WHEREAS, in accordance with the recommendations of the Private Property Vending Task Force, it is the desire of the City of Atlanta to erase any conflicts with zoning standards which the current private property vending procedures create; and

WHEREAS, it is the desire of the City of Atlanta to end the allowance of an unlimited succession of two-year vending businesses at the same location which the City believes back-doors the zoning process and creates a quasi-permanent outdoor businesses on a site either not zoned for the use of merchandise sales or not zoned as a use involving the operation of business conducted exclusively outdoors.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS
AS FOLLOWS:**

Section 1: Section 30-1461. **Definitions.** Is hereby amended by adding the following:

“Same location” means a property or group of contiguous or noncontiguous properties, whether or not under common ownership, which are under a common street address, both as house or building number and street name.”

“Short-term Merchandise Vending” means the commercial enterprise of selling merchandise to the general public on private property for a period not in excess of 14 days. Short-term Merchandise Vending shall not include that sale of perishable goods or services and cannot be combined with any other permit.”

Section 2: Section 30-1464 which currently provides as follows:

Sec. 30-1464. Vending restrictions and prohibitions.

(a) In addition to the provisions set forth in subsection 16-28.008(10), persons vending on private property shall not be permitted to operate in the following areas:

- (1) Within 15 feet of any street intersection or pedestrian crosswalk.
- (2) Within ten feet of any driveway.
- (3) Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.
- (4) Within a minimum of nine feet of unobstructed pedestrian space.
- (5) Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.
- (6) Within 1,500 feet of a permanent business selling the same or similar products. This provision shall not apply to vendor sites located near athletic and entertainment venues which have a seating capacity in excess of 3,500 persons.

(b) Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.

(c) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(d) Hours of operation shall be 5:00 a.m. to 2:00 a.m.

(e) Amplified sound or sound equipment must comply with the City of Atlanta Noise Ordinance.

- (f) Any and all signage must comply with the City of Atlanta Sign Ordinance.

Is hereby deleted in its entirety with the following being substituted in lieu thereof:

Section 30-1464: Vending Restrictions and Prohibitions for Short-term Merchandise Vending

- (a) In addition to the provisions set forth in subsection 16-28.008(10), persons vending on private property shall not be permitted to operate in the following areas:
- (1) Within 15 feet of any street intersection or pedestrian crosswalk.
 - (2) Within ten feet of any driveway.
 - (3) Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.
 - (4) Within a minimum of nine feet of unobstructed pedestrian space.
 - (5) Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.
 - (6) Within 1,500 feet of a permanent business selling the same or similar products.
 - (7) Within 1,500 feet of another validly permitted private property vendor.
- (b) Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.
- (c) Vending structures shall not be left unattended or stored at any time on the vending site when vending is not taking place or during restricted hours of operation.
- (d) Hours of operation shall be 10:00 a.m. to 10:00 p.m.
- (e) Amplified sound or sound equipment must comply with the City of Atlanta Noise Ordinance.
- (f) The site plan required as a part of the application must show the location of the proposed vending site does not result in a reduction of the parking available on the property below the minimum required by the city's zoning ordinance for uses located on the property, including any parking required to be provided for any off site uses.

Section 3: Section 30-1467 which currently provides as follows:

Sec. 30-1467. Aesthetic standards.

- (a) Vending is permitted from skirted tables only. Tables shall not extend beyond the perimeter of the covered canopy area.
- (b) Canopy. If used, must be a portable folding canopy only. One canopy shall be permitted (not required), shall be white in color, shall not contain any writing and shall not exceed ten × 20 feet in size.
- (c) Vending structures must be removed from the open vending site when the vendor is not doing business and during restricted hours of operation.
- (d) Vending structures must be in good repair at all times.
- (e) Merchandise shall be displayed on the table only and shall be stored within the interior area of the canopy.
- (f) All storage of merchandise shall be beneath the skirted tables.

- (g) If signage is allowed, no more than one sign which shall not exceed two × three feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used.
- (h) A description of the structure and the hours of operation shall be included in the site plan.

Is hereby repealed in its entirety with the following being substituted in lieu thereof:

Section 30-1467: Aesthetic standards for Short-term Merchandise Vending

- (a) Vending is permitted from skirted tables only. Table must be a portable folding table only and shall not extend beyond the perimeter of the covered canopy area.
- (b) Canopy must be a portable folding canopy only. One canopy shall be permitted, not to exceed 10 x 10 feet in size and shall not contain any writing.
- (c) Vending structures must be removed from the vending site when the vendor is not doing business and during restricted hours of operation.
- (d) Vending structures must be in good repair at all times.
- (e) Merchandise shall be displayed on the table only and shall be stored within the interior area of the canopy.
- (f) A description of the structure and the hours of operation shall be included in the site plan.
- (g) If signage is allowed no more than one sign which shall not exceed 2 x 3 feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used. Handwritten signage is prohibited.
- (h) A description of the structure and the hours of operation shall be included in the site plan.

Section 4 : Section 30-1485 (a) which currently provides as follows:

- (a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. The length of time that a vendor on private property may remain on such property, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), shall be two years. A vendor permit for a private property vending location will be issued for a one-year period. When the one-year permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another one-year period. After a vendor has been issued a renewal permit to vend on the same parcel of land for an additional year, the vendor, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), may not vend at such location and may not renew a vending permit for such location for two years. At the expiration of the two-year vending term, the property owner shall not allow another vendor to vend on said property for a period of 90 days.

is hereby repealed in its entirety with the following being substituted in lieu thereof:

Sec. 30-1485 Term and renewal of permits; Short-term Merchandise Vending

(a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. The length of time that a vendor on private property may remain on such property, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)-(d) shall be 14 days. Permit locations shall not be transferable and no more than five permits per calendar year shall be issued for the same location. Permits shall not be issued that allow the same vendor to remain at the same location for more than 14 consecutive days.

Section 5: To the extent that any ordinance is in conflict herewith, this ordinance shall control.